

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 01/08/2015

SHU FENG XIA,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

No. 14-CV-10029 (RA)

No. 12-CR-934-9 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

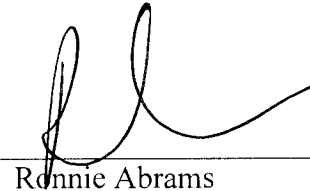
Although it is well-settled that “there is no constitutional right to representation by counsel in habeas corpus proceedings,” Green v. Abrams, 984 F.2d 41, 47 (2d Cir. 1993) (quoting United States ex rel. Wissenfeld v. Wilkins, 281 F.2d 707, 715 (2d Cir. 1960)), Congress has provided for the representation of financially needy individuals where the Court “determines that the interests of justice so require.” 18 U.S.C. § 3006A(2). In making that determination, courts have looked to factors such as whether “the petitioner has presented a nonfrivolous claim and [whether] the appointment of counsel will benefit the petitioner and the court.” Rengifo v. United States, No. 09-CR-109 (JSR) (GWG), 2014 WL 4100934, at *1 (S.D.N.Y. Aug. 13, 2014) (quoting Reese v. Fulcomer, 946 F.2d 247, 263–64 (3d Cir. 1991)); Gonzalez v. New York, No. 05-CV-9028 (GEL), 2006 WL 728482, at *1 (S.D.N.Y. Mar. 21, 2006) (“[C]ourts in this circuit have looked to such factors as the petitioner’s likelihood of success on the merits, the complexity of the legal issues raised by the petition, and the petitioner’s ability to investigate and present the case.”).

The Court having weighed such factors and concluded that the interests of justice require that Movant be afforded counsel for the purposes of his petition, it is hereby:

ORDERED that a member of the District's CJA panel is appointed as counsel to Movant under 18 U.S.C. § 3006A, and such counsel is permitted to apply for compensation accordingly.

SO ORDERED.

Dated: January 8, 2015
New York, New York

A handwritten signature in black ink, consisting of a stylized 'R' followed by a cursive 'A' and a trailing flourish.

Ronnie Abrams
United States District Judge